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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,555	11/05/2003	Lin-Wei Chang	0698-0166P	1047
2292	7590	03/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ORDERS, CHRISTOPHER H	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,555	LIN-WEI CHANG	
	<b>Examiner</b>	Art Unit	
	Christopher H. Orders	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The recitation of "protrude our" (pg. 3, para. 4, ln. 8) is presumed to be --protrude out-- for proper clarity. The recitation of "elastic fastener 100" (pg. 5, 1<sup>st</sup> full para., ln. 7-8 and ln. 10) is presumed to be --elastic fastener 103-- to properly reference the drawings.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

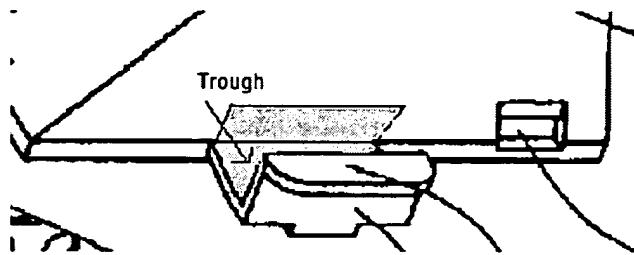
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gan et al. (6,817,939).

Gan et al. teach a fan assembly mechanism for assembling at least one fan member (30) on a wall mounting surface of a casing (20), comprising: a fan member (30) having a flat mounting surface and a space (311) for receiving at least one fan (40); at least one fastening member (35) formed on the flat mounting surface, which is engaged with a corresponding hole (21) on the wall mounting surface of the casing (20) to assemble the fan member (30) to the casing (20); and an elastic fastener (39) having one side (391) thereof fixed on the fan member (30), and comprising at least one latching portion (392) protruded out of the flat mounting surface, wherein the elastic fastener (39) has an adjustable end (393) susceptible to pressure so as to allow the elastic fastener (39) to move in a direction away from the wall mounting surface of the casing (20) and generate an elastic force, and the elastic fastener (39) returns to its original position by the elastic force at the time the pressure is released such that the latching portion of the elastic fastener (39) is engaged with another corresponding hole (22) on the wall mounting surface of the casing (20) to assemble the fan member (30) to the casing (20); the adjustable end (393) of the elastic fastener (39) has an inclined and depressed surface where the pressure is exerted (see fig. 1); the elastic fastener (39) is received in the space of the fan member (39), with the latching portion (392) protruded

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out of the flat mounting surface (see fig. 2); at least one open trough is formed on a surface of the fan member (30) adjacent to the flat mounting surface, allowing the elastic fastener (39) to be exposed via the open trough and subject to the pressure (see the annotated and highlighted portion of fig. 1 below).



Gan et al. further teach that the fastening member (39) is integrally formed with the fan member (30); the fastening member (35) is formed on an edge at the corner of the flat mounting surface (see fig. 1); and the casing (20) is an electronic device casing (col. 2, ln. 14-16).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gan et al. (6,817,939).

Gan et al. teach many of the claim limitations, but do not expressly teach that the elastic fastener (39) is made of a plastic material. However, the selection of a known material based on its suitability for its intended use has been held to be *prima facie* obvious (see *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960)). In the present invention, one of ordinary skill in the art would have known to use plastic to construct the elastic fastener (39) in order to allow the fastener to flex as described in the specification (col. 2, ln. 61-64).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Orders whose telephone number is (571) 272-7163. The examiner can normally be reached on Monday-Friday, 6:30am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHO

  
**CHERYL TYLER**  
**SUPERVISORY PATENT EXAMINER**